

**COUNSEL LISTED ON SIGNATURE PAGE**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE DIVISION

\*E-FILED - 6/19/07\*

) Case No. CV 05-05312 RMW (RS)

12 || Plaintiff,

) Case No. CV 05-05312 RMW (RS)

)

) **STIPULATION REQUESTING 30-DAY  
STAY AND ORDER**

14 CYTYC CORPORATION and PROXIMA  
THERAPEUTICS, INC.,

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)

### Defendants.

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## AND RELATED COUNTERCLAIMS.

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1        WHEREAS, the parties are earnestly engaged in good faith discussions concerning a settlement  
2 of this action and the underlying dispute;

3        WHEREAS, the parties and their respective counsel believe that a thirty-day suspension of all  
4 case deadlines and proceedings, including hearings already scheduled on this Court's calendar, would  
5 allow the parties to focus on their settlement discussions;

6        NOW THEREFORE, the parties, through their respective counsel of record, subject to the  
7 approval of the Court, hereby stipulate, agree, and jointly apply to the Court for a thirty-day stay of all  
8 deadlines and proceedings in this case. The hearings scheduled before the Honorable Ronald M.  
9 Whyte on July 13, 2007, and the hearing scheduled before the Honorable Richard Seeborg on June 27,  
10 2007 and July 11, 2007 shall be rescheduled for August 17, 2007, August 1, 2007 and August 15,  
11 2007, respectively, or such other date subsequent to the aforesaid dates as Judge Whyte and Magistrate  
12 Judge Seeborg shall set. Unless the case is sooner dismissed, within five days of the expiration of the  
13 stay on July 18, 2007, the parties will file a report advising the Court of the status and outcome, if any,  
14 of their settlement discussions.

15       It is SO STIPULATED.

16       DATED: June 18, 2007              HOWREY LLP

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18       By:/s/ Henry C. Su  
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25                                                  Attorneys for Defendants CYTYC CORPORATION and  
26                                                          CYTYC SURGICAL PRODUCTS II, INC.

1 DATED: June 18, 2007

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16 Attorneys for Plaintiff Xoft, Inc.

17  
18  
19 Filer's Attestation: Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury  
20 that concurrence in the filing of the document has been obtained from each of its signatories.  
21

22 Dated: June 18, 2007

By: /s/Henry C. Su

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6/19/07

Ronald M. Whyte  
RONALD M. WHYTE  
United States District Judge